

"This is going to take some getting used to," Cleary said. "He was bigger than life and that always leaves a vacancy. He was a man of stature. He could be admired by a great many people."

# INTRODUCTION OF THE ELECTION VOTING STANDARDS ACT OF 2001

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 22, 2001*

Mr. BARCIA. Mr. Speaker, today, I am introducing the Election Voting Standards Act of 2001. Representatives LYNN RIVERS, JOHN LARSON, NICK LAMPSON, MARK UDAL and ANTHONY WEINER join me in sponsoring this legislation.

I am not going to re-hash the flaws in voting equipment that were so publicly exposed in the last election. Our goal with this legislation is to offer a method to improve the accuracy, integrity, and security of voting products and systems used in Federal elections.

This legislation establishes a Commission led by the National Institute of Standards and Technology (NIST) to develop performance-based standards for all voting equipment and systems. These voluntary performance-based standards would be technology neutral, but would set a minimum level of performance that all voting equipment should meet. The Commission would also establish corollary testing and certification criteria to determine the conformance of voting products and systems to the performance-based standards. Finally the legislation establishes a National Election Systems Standards Laboratory. This independent lab would perform research in areas such as human factors in the design and application of voting systems and remote access voting systems that would utilize the Internet.

When election technologies in the 1960's and 1970's began to use computers, we didn't initiate an effort to consider the implications of computer use for national policy in the administration of Federal elections. Although the use of computer-based voting equipment and systems has increased dramatically, there is no single entity that identifies important technical problems in Federal election administration, let alone providing the means to develop solutions to those problems. This deficiency inhibits the conduct of necessary scientific, engineering and technical standards research, prevents the orderly development of alternatives for policy selection, and provides no center for dissemination of technical standards for computer security, integrity, and accuracy to local officials charged with the conduct of registration and voting. This simple lack of Federal oversight puts at risk the reliability and credibility of national elections. This bill can remedy the situation.

I believe that the National Institute of Standards and Technology (NIST) can play a role in filling the existing gap. NIST has a 100-year history of developing standards for Federal agencies and works closely with industry in the development of measurement standards. In addition, NIST has long been active in the area of voting technologies. In 1975, NIST in conjunction with the General Accounting Office issued a report entitled *Effective Use of Com-*

puting Technology in Vote Tallying. The report recommended improvements in the procedures used to design and develop computer programs used for vote-tallying, the extensive use of audit trails and other internal control techniques, and additional documentation to verify the results of elections. The report concluded, "Coordinated and systematic research on election equipment and systems, independent of any immediate return on investment, is needed." Again in 1988, NIST issued another report entitled, *Accuracy, Integrity, and Security in Computerized Vote-Tallying*, which again made a number of recommendations to improve computer based voting systems. Among the recommendations was that the use of pre-scored punch card voting systems be eliminated. Unfortunately, the recommendations of both these reports were largely ignored.

Given NIST's track record in developing standards in concert with outside groups and their expertise in computerized voting systems, I believe that NIST is uniquely positioned to develop the required performance-based standards, and an independent certification process.

I want to make it clear that these standards would be voluntary. This legislation does not mandate that local authorities that are responsible for elections use equipment that meets these performance-based standards. However, we hope that local authorities would use these standards as an objective measure of the accuracy, integrity, and security of their voting equipment and systems. I believe that with this system of standards and certification procedures that the public would be assured that voting systems are fair and accurate.

This legislation represents a first-step in addressing this issue and it is an important first step. I look forward to working with my colleagues in Congress, the Administration and outside groups to improve this bill. I believe that we all have the same goal, to improve the accuracy, integrity and security of our voting systems.

## SALUTING THE COUGARS

**HON. MIKE McINTYRE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 22, 2001*

Mr. McINTYRE. Mr. Speaker, I rise today to honor the East Bladen High School men's basketball team for their extraordinary accomplishment this month. Their spirit and determination throughout their 25-3 season has been an inspiration to us all.

On Friday, March 9, the Cougars defeated Lexington High School 75-65 to win the North Carolina state 2-A men's basketball title for the second time in school history. This is truly an amazing achievement for Coach Alvin Thompson, his coaching staff and the entire Cougar team. This marked the third consecutive year that a team from the Waccamaw Conference has won North Carolina's 2-A championship and brought the trophy home to southeastern North Carolina.

Throughout the year, the Cougars have represented the students and faculty of East Bladen High School well by sticking together and demonstrating good sportsmanship. Coach Thompson has instilled in his players

the ethic of dedication, sacrifice, and teamwork in the pursuit of excellence, and he instilled in the rest of us a renewed appreciation of what it means to win with dignity and integrity.

A loyal following of students, teachers, coaches, administrators, friends, and fans supported the Cougars. Their support made this a family affair and one that united the entire community.

My fellow colleagues, please join me in saluting this fantastic group of players and their coaches, parents and classmates who made this East Bladen basketball season one to remember. Great job, Cougars!

The 2000-2001 East Bladen High School Cougars (listed alphabetically): Michael Andrews; Travis Andrews; Eric Brown; Sakrid Dent; Aking Elting; James Freeman; William Graham; Coliek Hayes; Marvin McKiver; T.C. McKoy; Matthew McKoy; Rodrick McMillian; James McRae; Cozell Monroe; Jay Raynor; Antoine Peterson; Ritchie Priest; and Wesley Sasser.

## TELECOMMUNICATIONS CONSUMER ENHANCEMENT ACT OF 2001

**HON. CLIFF STEARNS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 22, 2001*

Mr. STEARNS. Mr. Speaker, I would like to submit for the RECORD a number of concerns that I have been made aware of by the Florida Public Service Commission regarding H.R. 496. In the past week my staff and I have been in contact with the bill's sponsor, Representative BARBARA CUBIN, in assembling answers to the Florida PSC's concerns. For the record I would like to summarize the Florida PSC's concerns and the answers we have received from Representative CUBIN's office.

As a result of these proposed diminished reporting requirements, how would regulated and deregulated services be differentiated to avoid cross subsidization of telecommunications offerings and non-regulated services? H.R. 496 would do nothing to change the FCC's or state commissions ability to differentiate regulated and non-regulated services.

H.R. 496 would leave intact the FCC's cost allocation rules. It would only eliminate the separate requirement to file voluminous CAM and ARMIS reports originally designed for the largest carriers.

How will there be assurance that purported savings from reporting responsibilities will actually be applied toward the provision of advanced services in rural areas, as highlighted in the bill?

Virtually all 2 percent carriers only serve areas defined under the Act as "rural". Their network investment will necessarily be in rural areas.

Rate of return regulation, by its nature, will ensure either reinvestment in rural network infrastructure or reduced rates for customers. Virtually all 2 percent carriers are rate of return carriers.

Many of the benefits of the bill are intangible. It would primarily give carriers added flexibility to respond more quickly and effectively to customer demand and competitive opportunities.

To attempt to tie specific savings directly to specific investments would significantly increase bureaucratic red tape rather than decrease it and would ultimately slow investment in rural areas.

What restriction in this bill will prevent regional bell operating companies and other large holding companies from qualifying as a 2 percent carrier?

New language added by the Energy and Commerce Committee necessarily excludes larger companies from the definition of "two percent carrier". The definition now includes an operating company which, together with all affiliated carriers, "controls . . . fewer than two percent of the nation's subscriber lines. . . ."

The new language was adopted from a recent FCC order that definitively construed the same definition in Section 251(f)(2) of the 1996 Act.

If a company such as Cincinnati Bell is considered a 2 percent carrier, then what assurance is there that this bill is truly targeted toward rural areas and not certain urban areas such as Cincinnati, Ohio?

Apart from Cincinnati, the RBOCs and Sprint serve the remaining 99 of the 100 largest metropolitan statistical areas in the country. The remainder of two percent companies serve rural areas and second- and third-tier towns (e.g. Rock Hill, South Carolina; Roseville, California; Dalton, Georgia).

How does self-certification of competitive entry by a "single facility based competitor serving a single customer" truly promote effective competition, or would this "one-customer" standard in reality inhibit true development of competition?

H.R. 496 requires significantly more than "one customer" for competitive entry. It requires, either expressly or by necessary implication:

Existence of an enforceable interconnection agreement between the incumbent and competitor (including any necessary state arbitration procedures).

Provision or procurement of switching facilities.

Actual provision of service (implying billing, customer service, maintenance and other systems that are fully operational).

Any competitive carrier that has made the investment necessary to meet all these conditions would necessarily be positioned to pose a competitive threat throughout the ILEC's service territory.

Any concerns regarding the competition standard in H.R. 496 should be mitigated by the fact that Section 286(a) only allows downward pricing flexibility. Regardless of the trigger, customers would benefit from lowered prices and increased competition.

The standards set in 286(d) mirror the standards set by the FCC for competitive entry in the SBC/Ameritech merger, which required a small number of actual customers to establish competitive entry by SBC.

If "any new service" not currently being provisioned by a 2 percent carrier is subsequently offered, would this bill preempt a State from oversight of this offering and why should it be exclusively considered interstate in nature?

H.R. 496 would not alter state jurisdiction over new services. H.R. 496 would only affect the FCC's cumbersome approval process for new interstate services. Historically, states have had jurisdiction over intrastate services but not interstate services.

To date, no party except the Florida PSC has suggested enlarging the scope of the bill to include new intrastate services.

Would the ability of 2 percent carriers to opt in or choose to opt out of the National Exchange Carrier Association (NECA) pool, in Section 284 of the bill, undermine this mechanism and promote "gaming" of this process by certain carriers?

New language added by the Energy and Commerce Committee restricts 2 percent carriers' ability to move in and out of the pool. This language provides an additional

level of assurance that no company could game this process.

The majority of 2 percent carriers will continue to rely on the NECA pool. It is not in their interest to undermine a mechanism that serves their and their customers' needs.

Is this legislation premature in light of the FCC's current consideration of the proposal by the Multi-Association Group (MAG) which also purports to help promote the deployment of broadband services to rural areas? Also, isn't it premature in light of the FCC's docket on streamlining of reporting requirements for mid-sized carriers?

H.R. 496 and the MAG plan address significantly different sets of issues. H.R. 496 is primarily designed to clear away a handful of outmoded regulatory burdens that are ill-suited for 2 percent carriers. The MAG plan proposes an entirely new system of incentive regulation and would also significantly alter existing access charges. Since they are complementary initiatives, it is unnecessary to delay one pending consideration of the other.

The FCC docket on streamlining reporting requirements, while constructive, will in all likelihood perpetuate a number of the same burdens that exist today. The FCC has been debating accounting reform without taking any final action at least since 1999 when it was responding to the ITTA forbearance petition.

#### ADMINISTRATION'S ENVIRONMENTAL POLICY IS JUST PLAIN WRONG

#### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express my disgust over the Bush Administration's unwillingness to take the necessary steps to curb the effects of global warming and protect our natural resources. When our environment needs us most, it is sad that the President is abandoning our lakes and rivers, while siding with those who pollute our air.

The Administration's recent shift in environmental policy contradicts its earlier promises and commitments to the American people and at the same time, undermines previous policy statements made by the Environmental Protection Agency. This Administration has made it clear that protecting the environment is not one of its priorities.

This shift in policy, however, is not just another broken campaign pledge and promise to the citizens of South Florida and the rest of the American people. On the contrary, it is a clear example that the President's position on the environment is just plain wrong. Scientists and elected officials on both sides of the aisle agree that the key to ending global warming begins with reducing the amount of carbon dioxide emissions in the air we breathe. Even more, according to a recent survey, this common sense approach toward ending global warming is supported by 80 percent of the American public.

Mr. Speaker, the people of South Florida know a great deal about the importance of taking care of the environment. It was no more than six months ago that I stood on this floor with many of my colleagues fighting for protection of Florida's most sacred ecosystem, the Everglades. Thankfully, after nearly a decade

of planning and fighting, we reached an agreement that ensures the Everglades will be around for all Americans to enjoy for generations to come.

Today, I am once again coming to the floor to fight for the protection of our country's greatest treasures. The current Bush Administration plan to conduct exploratory drilling for oil in Alaska's Arctic National Wildlife Refuge is not only an action that will destroy the last remaining parcel of untouched Arctic coastline, it is also just bad energy policy. It is widely accepted that roughly 3.2 billion barrels of economically recoverable oil can be found under the ANWR. Those 3.2 billion barrels, however, represent a mere six-month supply of oil for the United States, hardly enough to build an effective energy policy around.

What worries me, Mr. Speaker, is not the exploration into a new energy policy. Clearly our country needs to look into new ways of creating energy. I support looking into new possibilities for creating energy. But I do not support the exploration of new energy opportunities at the cost of the environment. If we begin drilling in the ANWR today, who is to say that we will not begin off-shore drilling in South Florida tomorrow? I assure you, Mr. Speaker, that the people of Florida have no desire to see off-shore oil rigs popping up in the Atlantic Ocean or Gulf of Mexico anytime soon. We saw the dangers involved in such practices when an off-shore oil rig in Brazil collapsed just this week spilling oil for miles into the Atlantic.

In the past two weeks, President Bush reaffirmed to the American public that he is not serious about leading an environmentally conscious Administration. Mr. Speaker, I am not suggesting that President Bush become a devout environmentalist. After all, you do not have to be an environmentalist to care about the environment. So far though, this Administration has yet to take any steps to show that it recognizes the basic needs of our environment. In a time that the environment has taken center stage as a national concern, the people of America demand and deserve more from this Administration.

#### IN RECOGNITION OF THE NATIONAL COALITION OF 100 BLACK WOMEN

#### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the 20th Anniversary of the National Coalition of 100 Black Women, Inc. New Jersey Chapter (NCBW-NJ).

Founded in 1971, NCBW is a non-profit, volunteer organization dedicated to community service, leadership development, and the enhancement of career opportunities for African-American women. NCBW is dedicated to the empowerment of African-American women by increasing their access to and participation in America's economic and political arenas. In addition, NCBW addresses the challenges African-American families face today, and promotes African-American culture.

The Coalition did not become the National Coalition until 1981, a decade after the first group of women met in New York City. Today,